

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IRON MOUNTAIN INCORPORATED;  
IRON MOUNTAIN INFORMATION  
MANAGEMENT, INC.; C. RICHARD  
REESE; JOHN F. KENNY, JR.; GARRY  
B. WATZKE; LARRY L. VARN; and  
CHARLES G. MOORE,

Plaintiffs,

v.

THOMAS CARR,

Defendants.

Civil Action  
No. 05 10890 RCL

IRON MOUNTAIN INFORMATION  
MANAGEMENT, INC.,

Plaintiff,

v.

SYSTRANS FREIGHT SYSTEMS, INC.,

Defendant.

Civil Action No.  
05 10999 RCL (consolidated)

**PLAINTIFFS' PRETRIAL DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(c), Plaintiffs/Counterclaim-  
Defendants Iron Mountain Incorporated and Iron Mountain Information Management, Inc.  
(together, "Iron Mountain"),<sup>1</sup> respectfully submit the following Pretrial Disclosures:

<sup>1</sup> On February 4, 2008, this Court granted a motion for summary judgment filed by Plaintiffs/Counterclaim-  
Defendants C. Richard Reese, John F. Kenny, Jr, Garry B. Watzke, Larry L. Varn and Charles G. Moore and issued a  
judicial declaration that these individuals "have no agreements or other legal obligations to [Thomas] Carr...."

**A. Witnesses**

Iron Mountain expects to call the following witnesses at trial, other than impeachment witnesses. Iron Mountain reserves the right to amend or supplement this list based on the Defendant's Pretrial Disclosures and to call rebuttal witnesses.

Larry L. Varn, Esq.  
Sullivan & Worcester LLP  
One Post Office Square  
Boston, MA 02116  
(617) 338-2800

Mr. Charles G. Moore  
Charles G. Moore Private Detectives  
P.O. Box 1201  
Plymouth, MA 02360  
(508) 747-7667

Garry B. Watzke, Esq.  
Iron Mountain Incorporated  
745 Atlantic Avenue  
Boston, MA 02111  
(617) 535-4702

Mr. John F. Kenny, Jr.  
Iron Mountain Incorporated  
745 Atlantic Avenue  
Boston, MA 02111  
(617) 535-4702

**B. Deposition Designations**

Iron Mountain anticipates that it will designate certain deposition testimony of the following witnesses in rebuttal: Thomas Carr, James Neebling, Paul Schwartz, Judith Carr and Arthur Peslak. Iron Mountain also reserves the right to use deposition testimony for impeachment and to amend this disclosure based on the Defendant's Pretrial Disclosures.

**C. Exhibits**

Iron Mountain expects to offer the following exhibits, in its case in chief or in rebuttal, and reserves the right to supplement this list based on the Defendant's Pretrial Disclosures:

- Relevant portions of May 30, 2002 Deposition of Thomas Carr in *Thomas Carr, et al. v. J. Peter Pierce, et al.*, Docket No. MONC 95-02 (Chancery Division, Monmouth County NJ);
- Relevant portions of September 29, 2004 Transcript of Plea Before Honorable William D. Wall, United States Magistrate in *United States of America v. Barry Schwartz, et al.*, Case No. 02-cr-1112 (E.D.N.Y.);
- Judgment of Conviction or other documents sufficient to show judgment of conviction of Thomas Carr in *United States of America v. Thomas Carr, et al.*, Case No. 2:02-cr-01112-ADS-2 (E.D.N.Y.) and *United States of America v. Peter G. Liounis, et al.*, Case No. 01-Crim. 784 (S.D.N.Y.);
- Relevant portions of a document (undated) titled "Responses to Meetings: Tom Carr, Jim Neebling";
- Relevant portions of the July 31, 2003 testimony of Thomas Carr in *Iron Mountain Incorporated v. J. Peter Pierce* (AAA);
- August 23, 2001 Indictment of Thomas Carr in *United States of America v. Peter G. Liounis, et al.*, Case No. 01-Crim. 784 (S.D.N.Y.);
- September 24, 2002 Indictment of Thomas Carr in *United States of America v. Barry Schwartz, et al.*, Case No. 02-cr-1112 (E.D.N.Y.);
- Affidavit of Thomas Carr and James Neebling, signed by Thomas Carr on March 17, 2005;
- December 15, 2003 e-mail from James Neebling to Larry Varn; and
- Contract for Logistics Management Services, Contract No. 2002111 between Iron Mountain Information Management, Inc. and Systrans Freight Systems, Inc. dated May 1, 2003 and related Schedules and Amendments.

Dated: March 11, 2008

Respectfully submitted,

**IRON MOUNTAIN INCORPORATED and  
IRON MOUNTAIN INFORMATION  
MANAGEMENT, INC.,**

By their attorneys,

/s/ Ira K. Gross  
Ira K. Gross (BBO# 212720)  
*igross@sandw.com*  
Kevin Colmey (Admitted *Pro Hac Vice*)  
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**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 11, 2008.

/s/ Kevin M. Colmey